

ARTICLE VII. - LANDLORD REGISTRATION

Sec. 5-37. Purpose.

The city recognizes the need for safe, decent, well maintained residential property within the city. This regulation is intended to ensure that residential rental units meet minimum standards for the health, safety, and welfare of all city residents, and that responsible persons are readily available to respond and take appropriate action when necessary to prevent or remedy the occurrence of nuisances.

Sec. 5-38. Applicability.

The requirements of this article shall apply to all residential rental properties with more than two (2) units located within the city, and the owners of all such units and properties and their agents. However, with respect to residential rental dwelling units that constitute a public lodging establishment under F.S. § 509.013, any inspection conducted by the city shall be limited to determining compliance with the Florida Building Code and the Florida Fire Prevention Code as provided by F.S. § 509.32(7). Single family homes, duplexes, and rental of less than three (3) units are exempted from the provisions of this article.

Sec. 5-39. License required.

- (a) It shall be unlawful to rent or lease, or offer to rent or lease, any residential rental unit without a current residential rental license for the property, a copy of which shall be posted or available at the residential rental property.
- (b) No license shall be issued or renewed for a residential rental unit unless the residential rental property and unit are in compliance with the requirements of this article and the Miami Dade County Minimum Housing Code.
- (c) Any person, natural or corporate, who at the time of the adoption of this section, rents or leases residential rental properties with more than two (2) units shall have thirty (30) calendar days from the date the owner receives a residential rental license application (provided by the city), to file for application with the City for license issuance.

Sec. 5-40. License application and registration.

- (a) Application for a residential rental license for each residential rental property shall be made in writing on forms supplied by the city. An application fee must be paid at the time the application is filed with the city.
- (b) The application and registration shall provide the following information:
 - (1) The street address of the residential rental property.

- (2) The number of residential rental units located on the property, type of each unit (e.g., detached single-family dwelling unit, apartment, sleeping room, etc.), and the unit number or other identifying designation of each unit.
- (3) Name, address, and phone number of the property owner or owners.
- (4) Name, address, and phone number of any designated agent authorized to act on behalf of the owner. If the owner is not a natural person, a natural person shall be designated as agent.
- (5) Name, address, and phone number of any person authorized to make or procure repairs or services for the property, if the person is different than the owner or designated agent.
- (6) Name, address, and phone number of a natural person 18 years of age or older who can be contacted 24 hours a day, seven days a week, regarding the residential rental unit. This contact person may be the owner, the owner's agent, or any other person other than a resident of the rental unit who has agreed to be the contact person.
- (c) All applicants must provide a current copy of their business tax receipt as proof of payment of required local business taxes prior to issuance of a residential rental license.
- (d) All premises regulated by the state must submit a copy of their current state license, certification and/or registration
- (e) After submission of the application and registration, the residential rental property owner or designated agent shall have a continuing obligation to notify the city in writing within fifteen (15) calendar days of any change in the information provided. Failure to notify the city of changes shall be a violation of this article.

Sec. 5-41 Grounds for denial.

The city shall have the authority to deny an application for a residential rental license on the following grounds:

- (a) The applicant has failed to disclose or has misrepresented a material fact or any information required by this article in the application.
- (b) The applicant has failed to obtain a certificate of occupancy as required by Code.
- (c) The certificate of occupancy for the location has been denied, suspended or revoked for any reason.
- (d) The issuance of a residential rental license is based on the applicant's compliance with specific provisions of federal, state, city, or county law and the applicant has violated such specific provisions.
- (e) The applicant has violated any provision of this article and has failed or refused to cease or correct the violation within 30 calendar days after notification thereof.

- (f) The premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the premises because the premises are unsafe or unfit for human occupancy.
- (g) The applicant is delinquent in the payment of any permit fee imposed under this article, code enforcement lien, special assessment lien and/or any other debt or obligation due to the city under state or local law.
- (h) The applicant fails to allow inspection by the city as required and prescribed in this division.
- (i) The applicant has failed to obtain any and all other required licenses, certifications, or permits required by the city.
- (j) The property has been determined to be a chronic nuisance in accordance with Chapter 12.
- (k) Any person whose application has been denied as provided in this division shall have the right to request a public hearing. Such application shall be governed by the applicable provisions of the city code enforcement regulations.

Sec. 5-42. Inspection; issuance of license and renewal.

- (a) After receipt of a completed application and the application fee, the city shall inspect the residential rental property and units to determine compliance with the Florida Building Code and all applicable minimum housing codes and shall issue the license or provide the applicant with written notice of any defects which must be remedied before a license is issued. The license may be renewed annually concurrent with the business tax receipt renewal as provided in Chapter 11, Article II, of this Code without the need for a new application.
- (c) For inspections involving multiple residential dwelling units at one location and upon consent of the property owner, local agent, and/or tenant, a random sampling of such dwelling units will be periodically inspected at a minimum as follows:

10 units or less: All units

11 to 30 units: 35 percent (35%) of units

31 to 50 units: 30 percent (30%) of units

51 or more units: 30 percent (30%) of units up to 30 total units

- (d) Each residential rental property and unit regulated by this article shall be reinspected annually. The date of the City's initial inspection shall establish an annual anniversary date. The city shall maintain a reinspection schedule for currently licensed units. In addition, any currently licensed unit or property may be inspected upon reasonable

notice. The property owner and agent shall permit the city to inspect all premises governed by this article to determine compliance and shall fully cooperate with such inspections. The property owners or their agents shall notify tenants of planned inspections of their residential rental units and shall make every effort to obtain the tenant's written consent to entry for inspection purposes.

- (e) If owner fails to provide access to unit within thirty (30) days of application, it shall be a violation of this article.
- (f) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides if violation of the Minimum Housing Code is suspected.

Sec. 5-43. Inspection Fees.

- (a) There shall be an inspection fee per unit as established by Resolution upon application and renewal.
- (b) A reinspection fee as established by Resolution will be assessed for every reinspection after the second inspection if the failure to correct noted code violations is due to owner/manager negligence.
- (c) Failure to pay required fees may result in the imposition of additional fines and penalties under the code enforcement process.

Sec. 5-44. Tenant Information.

- (a) The owner or designated agent shall maintain a current tenant list at all times. The tenant list shall be available for inspection by the city upon reasonable notice. The contact person shall have possession of the current tenant list which shall be made available promptly in the case of a medical or law enforcement emergency.
- (b) The tenant list shall include for each adult tenant:
 - (1) Tenant's full name, date of birth and Florida I.D. or driver's license number.
 - (2) Tenant's signature.
- (c) A blank form which can be used to record the tenant list may be obtained from the city.

Sec. 5-45. Enforcement.

- (a) The code enforcement special magistrate shall have jurisdiction to enforce the provisions of this article and any person, firm, corporation or agent determined to be in violation shall be subject to all penalties and remedies available to the magistrate as provided by law.

- (b) Any violation of this article may be enforced under any code enforcement provision in the Code of Ordinances.
- (c) The city may institute any appropriate legal action or procedure to bring about compliance or remedy violations of this article.

Sec. 5-46. Tenant Violations.

If a notice of violation arises due to acts or omissions of a tenant, and the tenant fails to make the necessary correction, the property owner or agent shall remedy the condition by whatever legal means necessary. The property owner is ultimately responsible for any violation under this article.

Sec. 5-47. Suspension or revocation of license.

- (a) Failure to comply with any of the requirements of this article shall subject the property owner to suspension or revocation of the license, in addition to other remedies and penalties provided by law.
- (b) Repeated incidents occurring on the residential rental property which threaten public safety including but not limited to assaults, batteries, robberies, burglaries, prostitution, sexual offenses, or narcotics possession, use, or sales, or other criminal activity, shall be grounds for license revocation.
- (c) Repeated incidents of violation or continuing violation of state or local laws which violations adversely affect the rights of nearby residents to the quiet enjoyment of their property, including but not limited to violations of noise, animal control, solid waste, yard parking, storage, trash, and yard maintenance regulations constitute a public nuisance and shall be grounds for license revocation.
- (d) Prior to initiating suspension or revocation proceedings, written notice shall be delivered to the owner or designated agent identified in the registration. The notice shall specifically identify the provision of this article which has not been complied with, or shall specifically identify the repeated or continuing incidents of violations of state or local laws, and shall state that failure to remedy the violation or further incidents of violations will result in revocation of the residential rental license for the unit on the property.

Sec. 5-48. Suspension or revocation hearing.

If the violation is not corrected after written notice, or if further violations occur, a hearing shall be held to determine whether the license should be suspended or revoked, as follows:

- (a) Written notice to appear and show cause why the license should not be suspended or revoked shall be delivered to the property owner in accordance with the notice provisions provided in Chapter 162, Florida Statutes.

- (b) The hearing shall be held no sooner than fifteen (15) days after service of the notice to show cause. The hearing shall be conducted by the special magistrate in accordance with the procedures set forth in chapter 2 of this code.
- (c) Lack of knowledge of acquiescence or participation in or responsibility for a violation on the part of the licensee or agent shall not be a defense by such licensee or agent. However, proof that the licensee or agent has commenced and is diligently pursuing under state law the process of terminating tenancy and recovering possession of the residential rental unit from the tenant or tenants causing the violations, or has completed such process, shall be a defense.
- (d) If the special magistrate finds that the violation or violations have been corrected, that no threat to public safety or public nuisance exists, or that the owner has completed the process of terminating the tenancy of those persons causing the violations, the action shall be dismissed. If the special magistrate finds the owner has commenced and is diligently pursuing the process of terminating tenancy of those persons causing the violations, the special magistrate may continue the action until completion of the process under state law.
- (e) If the special magistrate finds that the violation or violations have not been corrected, or that a threat to public safety or public nuisance exists and has not been corrected, he or she shall issue a final order suspending or revoking the license plus applicable court costs.
- (f) An aggrieved party may appeal a final administrative order of the special magistrate to the circuit court. An appeal shall be filed within thirty (30) days of the date of the execution of the order to be appealed. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate.

Sec. 5-49. Obligation to terminate tenancies after license revocation.

- (a) If the license is suspended or revoked pursuant to this article, the licensee shall have 15 days from the date of the order to commence proceedings to terminate any existing tenancies and recover possession of the residential rental property and unit or units under state law. The licensee shall diligently pursue the process to completion. Upon request, the licensee shall provide copies of all documents provided to the tenants or filed with the court to the city. After completion of the process and removal of any tenants, no unit or units shall be rented to any person during the period of suspension or revocation.
- (b) Renting a unit or units during a period of suspension or revocation shall constitute a violation of this article.
- (c) Pursuant to Chapter 162, Florida Statutes, the city may file a civil action in the appropriate court to enforce violations of this article or any other remedy provided by law.

Sec. 5-50. Reinstatement of license after suspension or revocation.

The special magistrate may establish terms and conditions for reinstatement of a license after a period of suspension or revocation, which terms and conditions shall include payment of the reasonable costs of the hearing. An application for reinstatement of a license shall be subject to the same fees and application and inspection process as an original application.